

A Regular Meeting of the City Council of the City of Hickory was held in the Council Chamber of the Municipal Building on Tuesday, November 2, 2021, at 7:00 p.m., with the following members present:

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|-----------------------|------------|-------------------|
| Tony Wood | Hank Guess | David L. Williams |
| Charlotte C. Williams | Aldermen | David P. Zagaroli |
| Danny Seaver | | Jill Patton |

A quorum was present.

Also present were City Manager Warren Wood, Assistant City Manager Rick Beasley, Deputy City Attorney Arnita Dula, City Attorney John W. Crone, III, Deputy City Clerk Crystal B. Mundy and City Clerk Debbie D. Miller

- I. Mayor Guess called the meeting to order. All Council members were present with the arrival of Alderman Williams at 7:06 p.m.
- II. Invocation by Reverend Christy Lohr-Sapp, St. Andrews Lutheran Church
- III. Pledge of Allegiance
- IV. Special Presentations
 - A. Presentation of Business Well Crafted Awards – Presented by Business Services Manager Dave Leonetti and Members of the Business Development Committee

Mayor Guess asked Business Services Manager Dave Leonetti to the podium for the special presentation.

Business Services Manager Dave Leonetti introduced Mr. Brandon Hedrick, Ms. Joan Long and Mr. Jeff Neuville for the presentations. Mr. Hedrick was the Vice Chair of the Business Development Committee. He mentioned he thought this was the fourth year they had honored a number of the local businesses with the Business Well-Crafted awards and Mr. Hedrick would help with the presentations.

Mr. Brandon Hedrick thanked Council for allowing the Business Development Committee to have an opportunity to recognize some outstanding businesses here in the Hickory area. He welcomed everyone in attendance. As Mr. Leonetti mentioned, his name was Brandon Hedrick, and he was the Vice Chair of the City of Hickory's Business Development Committee. They currently have seven members who work to support the business development and growth of the City of Hickory. On behalf of the Business Development Committee, he thanked all the people who nominated the businesses, and all of the businesses and entrepreneurs who were nominated. In December 2017, City Manager Warren Wood presented a new Economic Development Strategic Growth Plan to the Hickory City Council. The vision was adopted and as part of the plan stated, the City of Hickory's vision for economic vitality was to establish a diversified and sustainable economy through the growth of business opportunities, jobs, tax base, population, and to improve the quality of life for its citizens. In support of this vision, the Business Development Committee (BDC) was committed to recognizing businesses that support that vision. They received some great nominations and unfortunately, they were not able to honor everyone this year. They were very excited to honor six businesses and individuals for their commitment and support of the City's vision for economic development. They encouraged all of those that were not chosen this year to pursue their nomination in further years as they continue to develop this program. They had six businesses that stood out among other nominations, and they would be awarded tonight. He introduced Ms. Joan Long and asked her to present the first awards.

Ms. Joan Long was very honored to start the recognition of the awards. The first one was Foot Solutions. Foot Solutions specialized in wellness and provided expert service, addressed foot health, including specialty selected shoes and customs orthotics. Foot Solutions was an international franchise with their presence in seven countries. The downtown Hickory location on Union Square was locally owned and operated by members of the community. The specialized professional service of Foot Solutions brought customers from across the region to the Hickory Foot Solutions. They also supported many local events and charities through donations and scholarships, including the Hickory Community Theater, Hickory Ballet and Performing Arts, Highland Recreation Center and Cooperative Christian Ministries. A representative from Hickory Foot Solutions accepted the award. Photos were taken.

Ms. Long continued with the second award to Oz Jewelers. Oz Jewelers was a locally family-owned business specializing in fine jewelry and jewelry repair, as well as offering custom design services and selling a wide variety of jewelry. They work with local vendors for business purchases and routinely partners with other small businesses to create local synergy. During the pandemic, Oz's Jewelers adapted its marketing to emerging friends by focusing on the engagement ring market and implementing weekly online auctions on Facebook to reach customers online instead of in the store. The business owners, Oz and Brenda Hefner, have a heart for giving back to the community as well. They support Lenoir-Rhyne athletics and Ms. Hefner serves on the Executive Board of Eastern Catawba Cooperative Christian Ministries. Representatives for Oz

Jewelers accepted the award. Photos were taken. She turned the presentation over to Mr. Jeff Neuville.

Mr. Jeff Neuville explained there were different categories that their committee recognizes. The first two were for businesses for 10 or fewer employees. The next recipient was for a business for 11-50 employees. He recognized Davidson, Holland, Whitesell & Company, known to many as (DHW). DHW was a full-service accounting and strategic advisory firm that offers accounting services, tax compliance, and planning, employee benefit plan, audits, and business advisory services. During the pandemic DHW helped numerous local businesses access relief loans and tax credits. Additionally, DHW assisted startups and organizing their systems and acquiring capital, as well as helping mature companies with acquiring capital for growth and expansion. The firm designs and implements technology systems to streamline reporting, improve access to information critical to company's operations. He noted that he knew from a very personal experience that they were very involved throughout the community working with nonprofit organizations. He invited the representatives from DHW to the podium for their award. Photos were taken.

Mr. Neuville continued to the next category for businesses with 51 or more employees. The first recipient for that category was Imagine One Hospitality. Imagine One Hospitality Division was a relatively new group of restaurants and event businesses to Imagine One's 40-year history of over 90 companies in numerous consumer and commercial segments. The hospitality company officially began in late 2017 when it purchased control of the local restaurant and later remodeled, rebranded, and relaunched under the new identity Café Rule and Wine Bar. Imagine One Hospitality's local businesses in addition to Café Rule included Mas Amor Cantina, Vintage House, and Peppervine Restaurant in Charlotte, with several future ventures in the works for Hickory. Imagine One Hospitality was also actively engaged in the community and supported numerous local nonprofits as well as cultural and educational events. He asked Imagine One Hospitality to the podium for their award. Photos were taken. He turned the presentation over to Mr. Brandon Hedrick.

Mr. Brandon Hedrick advised they had two more awards. In this category, 51 or more employees, the next recipient was Shurtape. Headquartered in Hickory Shurtape Technologies, LLC was a leading manufacturer and marketer of adhesive tape and consumer home and office products, with facilities in the United States and numerous other countries, together subsidiaries serve numerous markets including industrial, building and construction, packaging, arts, and entertainment, medical, home and office, and many more. In addition to specialty adhesive solutions Shurtape offered products in recognizable brand names such as Duck, Frog Tape, Painter's Mate, Shurtape, T-Rex and Kip. Shurtape remained a strong supporter of the City of Hickory's economic development vision through its focus on people, infrastructure, and community. The company continued to cultivate its operations in Hickory through ongoing and planned future investments in physical infrastructure, as well as continued growth and nurturing of its Hickory based workforce who work in the company's various manufacturing plants and corporate and administrative offices. Shurtape also supported the local arts community, the K-64 educational initiative to enhance the quality of life in the Hickory area. He thanked Shurtape for "sticking" with Hickory. Representatives were not available from Shurtape. A round of applause was given to Shurtape.

Mr. Hedrick continued to the next category for the Business Well-Crafted Award which was for the Individual Entrepreneur of the Year. This year that award went to Mr. Zack Cranford. Cranford Hospitality was a family-owned organization that operated several restaurants in the metro area, including three Granny's Country Kitchens, Standard Oyster Company, and the Charolais Steakhouse. Cranford Hospitality was committed to its vision of continuing to cultivate sustainable hospitality ventures that add value to the community, generate sales tax revenue, and offer job opportunities. Mr. Cranford and his family members were also actively engaged in the community through strategic local partnerships, and continuous donations to nonprofit organizations like March of Dimes, Greater Hickory Cooperative Christian Ministry, Family Guidance Center, Catawba Valley Leadership Foundation, Hickory Public Schools, Burke County Public Schools, and many others. Mr. Cranford serves on the Executive Board for the Chamber of Catawba County and the advisory board for the brand-new hospitality academy at Catawba Valley Community College. He asked Mr. Cranford to the podium for his award. Photos were taken. That concluded their presentation. A photo was taken of all of the award recipients.

Mayor Guess commented on behalf of the entire City Council, he wanted to thank staff and the volunteer members of the Business Development Committee. That was an all-volunteer group and they put a lot of effort into not just this, but the committee as a whole. He thanked them for their efforts and thanked each of the individuals and the businesses that were awarded here tonight.

V. Persons Requesting to Be Heard

- A. Mr. Sam Hunt, 626 9th Avenue Drive SE, advised he was present to try and get the Mayor and City Manager Warren Wood to go along with his idea. They had spent a lot of money on the City Walk, the Riverwalk and the Book Walk. He was concerned that a lot of people were not going to walk on the walk. He came up with this idea. He displayed a picture of soldiers. There were a lot of cities that post soldiers on banners on post. There are a lot of posts from Lenoir-Rhyne University, to the other side of wherever they stop. Wouldn't it be great from Memorial Day to Veterans Day that families have these banners made up and the City help them post them on the post? The post had nice lighting. They could be out there at night and see their loved one's picture from Memorial Day to Veterans Day they would post veterans. From that time on, January, they could have recognition of holidays in-between those. You could have recognition of clergy people, anybody who got an award, academic, whatever. This would motivate people to come out and utilize the walk. He advised it was \$45 to get the poster made. The City already had a lot of hanging bracket materials for holidays so they could use that to put up posters too, or the families could take care of it, or the City could help pay for it. We have a lot of money in Hickory, especially when we are trying to save money. People would walk the walk if their loved ones were posted on the banner.

Mayor Guess and Council members thanked Mr. Hunt.

Mayor Guess asked if anyone else wished to be heard. No one else appeared.

VI. Approval of Minutes

- A. Regular Meeting of October 19, 2021.

Aldерwoman Patton moved, seconded by Alderman Seaver that the Minutes of October 19, 2021, be approved. The motion carried unanimously.

VII. Reaffirmation and Ratification of Second Readings. Votes recorded on first reading will be reaffirmed and ratified on second reading unless Council Members change their votes and so indicate on second reading.

Aldерwoman Patton moved, seconded by Aldерwoman Williams that the following be reaffirmed and ratified on second reading. The motion carried unanimously.

- A. Budget Revision Number 7. (First Reading Vote: Unanimous)

VIII. Consent Agenda: All items below will be enacted by vote of City Council. There will be no separate discussion of these items unless a Council Member so requests. In which event, the item will be removed from the Consent Agenda and considered under Item IX.

Aldерwoman Patton moved, seconded by Aldерwoman Williams approval of the Consent Agenda. Ayes: Alderman Wood, Aldерwoman Williams, Alderman Seaver, Alderman Zagaroli, Aldерwoman Patton, and Mayor Guess. Nay: Alderman Williams. The motion passed 6-1.

- A. Called for a Public Hearing for Consideration of Proposed Amendments to Chapters and/or Chapter Sections of the Hickory Code of Ordinance based upon Requirements of Senate Bill 300 (S.L. 2021-138). (Authorized Public Hearing for November 16, 2021, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building.)
- B. Called for a Public Hearing for Consideration of a Voluntary Contiguous Annexation of 1.948 Acres of Property Located at 2358, 2366, and 2380 Renwick Drive and an Unaddressed Adjacent Parcel, Identified as PINs 3711-12-85-8893; 3711-12-85-9903; 3711-12-86-9016; and 3711-12-85-8674. (Authorized Public Hearing for November 16, 2021, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building.)

RESOLUTION NO. 21-45
RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED
UNDER G.S. 160A-31 AND/OR 160A-58.1, AS AMENDED

WHEREAS, a petition from Preston Land Holdings LLC requesting annexation of an area described in a petition was received on October 21, 2021, by the City Council of the City of Hickory; and

WHEREAS, G.S. 160A-31 and G.S. 160A-58.1 provide that the sufficiency of the petition shall be investigated by the Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Hickory deems it advisable to proceed in response to this request for annexation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HICKORY:

THAT, the Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the City Council the result of her investigation.

CERTIFICATE OF SUFFICIENCY

TO THE CITY COUNCIL OF THE CITY OF HICKORY, NORTH CAROLINA:

I, Debbie D. Miller, City Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-31 and/or G.S. 160A-58.1, as amended:

Property of Preston Land Holdings LLC, containing 1.948 acres more or less, located at 2358, 2366, and 2380 Renwick Drive and an unaddressed adjacent parcel, Hickory, NC and identified as PINs 3711-12-85-8893, 3711-12-85-9903, 3711-12-86-9016, and 3711-12-85-8674.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Hickory this 21st day of October 2021.

/s/ Debbie D. Miller, City Clerk

RESOLUTION 21-46

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION, PURSUANT TO G.S. 160A-31 OR G.S. 160A-58.1, AS AMENDED

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the City Council of the City of Hickory has, by Resolution, directed the clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the Clerk as to the sufficiency of said petition has been made.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HICKORY:

Section 1: That a public hearing on the question of annexation of the area described herein will be held at 7:00 p.m. on November 16, 2021, in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.

Section 2: The area proposed for annexation is described as follows:

Property of Preston Land Holdings LLC, containing 1.948 acres more or less, located at 2358, 2366, and 2380 Renwick Drive and an unaddressed adjacent parcel, Hickory, NC and identified as PINs 3711-12-85-8893, 3711-12-85-9903, 3711-12-86-9016, and 3711-12-85-8674.

Section 3: Notice of said public hearing shall be published in The Hickory Daily Record, a newspaper having general circulation in the City of Hickory, at least ten (10) days prior to the date of said public hearing.

RESOLUTION NO. 21-47

A RESOLUTION DETERMINING THE INTENT TO ANNEX INTO THE CORPORATE LIMITS OF THE CITY OF HICKORY CERTAIN PROPERTY OWNED BY PRESTON LAND HOLDINGS LLC AND CALLING FOR A PUBLIC HEARING ON THE SAME

WHEREAS, Preston Land Holdings LLC is the owner of certain real property as described herein, which property is located at 2358, 2366, and 2380 Renwick Drive and an unaddressed adjacent parcel, Hickory, NC and identified as PINs 3711-12-85-8893, 3711-12-85-9903, 3711-12-86-9016, and 3711-12-85-8674, containing 1.948 acres more or less; and

WHEREAS, such property is currently located in the City's extra-territorial jurisdictional (ETJ); and

WHEREAS, it is in the best interest of the health, safety, and well-being of the residents of the City of Hickory to annex such property into the corporate limits of the City of Hickory as authorized by N.C.G.S. Section 160A-31; and

NOW, THEREFORE BE IT RESOLVED by the Hickory City Council, sitting in open session this 2nd day of November 2021, at a regularly scheduled meeting of the governing body of said Council, duly called and posted in accordance with the statutes of the State of North Carolina, as follows:

- Section 1: That the Hickory City Council does determine that it is in the best interest of the health, safety, and well-being of the residents of the City of Hickory to annex the property described hereinafter into the corporate limits of the City of Hickory.
- Section 2: That a public hearing on the question of annexation of the area described herein will be held at 7:00 p.m. on November 16, 2021, in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.
- Section 3: The same being that property reflected on map entitled Preston Land Holdings LLC, Voluntary Contiguous Annexation Map 1 Current City Boundary, subject property outlined in red; Preston Land Holdings LLC Voluntary Contiguous Annexation Map 2 Current Zoning, subject property outlined in red; Preston Land Holdings LLC Voluntary Contiguous Annexation Map 3 Aerial Photography, subject property outlined in red.
- Section 4: Notice of said public hearing shall be published in The Hickory Daily Record, a newspaper having general circulation in the City of Hickory, at least ten (10) days prior to the date of said public hearing.

C. Approved the Community Relations Council's Fall 2021 Grant Recommendations.

Community Relations Council requests approval of the Fall 2021 grant cycle recommendations. As part of the Community Relations Council's (CRC) work plan and annual budget process, the CRC receives funds to disperse during the fiscal year through their grant process. Non-profit agencies working with diverse populations in Hickory are eligible for grant funding. The grant proposal must show how the program under consideration fits into the CRC goals and mission and how the program will serve to improve human relations in the Hickory area. For the Fall 2021 grant cycle, the CRC received six grant applications for projects totaling \$7,700 and is recommending approval of four grants totaling \$4,700. The applicants recommended for funding: Hickory Branch National Association for the Advancement of Colored People (NAACP) - \$1,500; Lenoir-Rhyne University: Professors Carrol, Newton, & Lohr - \$1,500; Footcandle Film Society - \$700; and Hickory Museum of Art \$1,000. The funds are available in the CRC budget for the recommended grant approvals. The Community Relations Council recommends funding of the four grants in the total amount of \$4,700.

D. Approved Acceptance of the 2021 Bulletproof Vest Grant in the Amount of \$14,400.

Hickory Police Department requests approval to accept the grant to assist in funding the purchase of bulletproof vests for police officers. The City of Hickory will receive up to 50 percent reimbursement for each vest purchased. Since 1999, the Bulletproof Vest Grant program has provided an opportunity for law enforcement agencies to apply for a grant to receive up to 50 percent funding on the purchase of ballistic vests. In order to be eligible, the agency must have a policy in effect making it mandatory for uniformed officers to wear the vests while on duty. Hickory Police Department has the mandatory wear policy in effect and has been a recipient of this grant for numerous years. Monies are placed in the police department budget uniform line item annually to purchase vests for police officers. Life expectancy of each vest is approximately five years. The Police Department recommends the acceptance of this grant to receive up to 50 percent funding, in the amount of \$14,400, to purchase bulletproof vests for police officers.

E. Approved Acceptance of the 2021 Justice Assistance Grant in the Amount of \$17,910.

Hickory Police Department requests approval to accept the 2021 Justice Assistance Grant. The City of Hickory has received notification of approval to receive \$17,910 under the 2021 Justice Assistance Grant (JAG) Program. The JAG Program is a formula-based grant through the Office of Justice Programs/Bureau of Justice Assistance (BJA) that utilizes Uniform Crime Reporting statistics of all law enforcement agencies to determine eligibility for direct federal grant awards. There is no match required. Hickory Police Department will use the grant funds to purchase a Reality Virtual Training Platform in collaboration with Catawba County Sheriff's Office. Hickory Police will receive \$17,910. The JAG legislation requires counties to remain a partner with the local jurisdictions receiving funds and must be a signatory on a required Memorandum of Understanding (MOU). Hickory Police Department recommends approval to partner with Catawba County Sheriff's Office for the 2021 Justice Assistance Grant in the amount of \$17,910.

Hickory Police and Catawba County Sheriff's Office will share the remaining expense of the Reality Virtual Training Platform.

- F. Approved a Resolution Adopting New Ward Boundaries for Nomination of City Council Members.

RESOLUTION NO. 21-48
RESOLUTION ADOPTING NEW WARD BOUNDARIES
FOR NOMINATION OF COUNCIL MEMBERS

WHEREAS, the Hickory City Council has six council members who are nominated by wards and elected at large; and

WHEREAS, those wards are subject to the constitutional and statutory requirement of one-person/one-vote; and

WHEREAS, the City Council has received and reviewed the population of the wards as determined by the 2020 federal census; and

WHEREAS, the City Council has determined that the population of the wards is out of balance and that the boundaries of the wards need to be altered to provide equal representation; and

WHEREAS, the City Council is authorized and required by North Carolina General Statutes 160A-23 and N.C. Sess. Laws 2021-56 to revise its electoral district boundaries to correct population imbalances shown by a federal census; and

WHEREAS, on September 21, 2021, the City Council, meeting in public session, reviewed and considered two alternative plans for redrawing the ward boundaries; and

WHEREAS, on October 5, 2021, the City Council, meeting in public session, voted to request the creation of a third option for redrawing the ward boundaries; and

WHEREAS, on October 19, 2021, the City Council held a public hearing on the three alternative redistricting plans and, following the public hearing, voted to approve the plan entitled "Option C"; and

WHEREAS, the redistricting plan entitled "Option C" considered by the City Council and presented to the public would satisfy the requirements of one-person/one-vote by creating no ward with a deviation of more than five percent above or below the ideal size;

NOW, THEREFORE, BE IT RESOLVED by the Hickory City Council as follows:

1. The boundaries of the six wards for election of the City Council are altered to follow the lines depicted on the attached map entitled "Option C."
2. The attached map has been prepared using United States Census Bureau data and the ward boundaries have been drawn to follow census block lines. A list of the census geography in each ward will be attached for reference and to resolve any issue that might arise concerning the boundaries of the wards.
3. The new ward boundaries shall be used for the next election of the Hickory City Council and for each subsequent election until the boundaries are altered according to law.
4. A copy of this resolution and the map showing the ward boundaries shall be retained in the Office of the City Clerk.
5. Maps and information about the new ward boundaries shall be provided to the Catawba County Board of Elections with the request that the board notify residents of Hickory of changes in the wards in which they vote.

- G. Approved a Cemetery Deed Transfer from John W. Davis, Jr., and spouse, Joanna Ethel Arduino Davis; Ginger Davis Bedsole, an unmarried woman; John Lynch Davis, an unmarried man; Roger Pryor Davis and spouse, Bonnie Jean Fettes Davis; Nancy Davis Bilbro and spouse, William Cecil Bilbro; James Hassell Davis, an unmarried man, and Katherine Davis Perkins and spouse John Russell Perkins, (All Heirs of John W. Davis and Lucy H. Davis) to Katherine Davis Perkins and spouse John Russell Perkins, Oakwood Cemetery, Gravesites Number 5, 6, and 7, Plot H, Lot No. 2, Section 49. (Prepared by Attorney John G. Fuller)

- H. Approved a Cemetery Deed Transfer from John W. Davis, Jr., and spouse, Joanna Ethel Arduino Davis; Ginger Davis Bedsole, an unmarried woman; John Lynch Davis, an unmarried man; Roger Pryor Davis and spouse, Bonnie Jean Fettes Davis; Nancy Davis Bilbro and spouse, William Cecil Bilbro; James Hassell Davis, an unmarried man, and Katherine Davis Perkins and spouse, John Russell Perks, (All Heirs of John W. Davis and Lucy H. Davis) to James Hassell Davis, Oakwood Cemetery, Gravesite Number 8, Plot H, Lot No. 2, Section 49. (Prepared by Attorney John G. Fuller)

- I. Approved a Resolution Regarding Condemnation of Properties for Temporary and Permanent Easements and Rights-of-Way for Construction of the Multiuse Path System for the OLLE Art Walk.

Staff requests Council's approval of a Resolution Regarding Condemnation of Properties for Temporary and Permanent Easements and Rights-of-Ways for Construction of a Multiuse Path System (OLLE Art Walk). The OLLE Art Walk is part of the larger Hickory Trail multiuse path system and bond program that seeks to increase quality of life for residents and spur economic revitalization by providing pedestrian and bicycle connectivity throughout the City. The OLLE Art Walk will create a connection between City Walk, via 9th Street NW and Old Lenoir Road, and Aviation Walk and the Riverwalk. Per North Carolina General Statutes Chapter 40A the City of Hickory has the power of eminent domain to acquire any property to improve streets, sidewalks, and establish or improve recreational facilities. The City has found it is in the public interest to acquire certain easements and rights-of-ways for the construction of the mile, 10-foot-wide multi-use pathway for pedestrian and bicycle connectivity from the City Walk to the Riverwalk via 9th Street NW and Old Lenoir Road. The proposed resolution authorizes staff and legal counsel to institute the condemnation proceedings on these properties. Staff recommends Council's approval of the Resolution Regarding Condemnation of Properties for Temporary and Permanent Easements and Rights-of-Ways for Construction of the Multiuse Path System for the OLLE Art Walk.

RESOLUTION NO. 21-49
RESOLUTION OF THE HICKORY CITY COUNCIL REGARDING
CONDEMNATION OF PROPERTIES FOR TEMPORARY AND PERMANENT
EASEMENTS AND RIGHTS-OF-WAYS FOR CONSTRUCTION OF A MULTI-USE PATH
SYSTEM

RECITALS:

WHEREAS, the City of Hickory (the "City") has the power of eminent domain and may acquire by purchase, gift, or condemnation any property for the purposes of, among other things, opening, widening, extending, or improving roads, streets, alleys, and sidewalks and establishing, enlarging, or improving parks, playgrounds, and other recreational facilities; and

WHEREAS, the City is authorized to institute any and all necessary legal actions under Chapter 40A of the North Carolina General Statutes to condemn and appropriate easements and rights-of-ways for the above stated purposes; and

WHEREAS, the City has determined that it is necessary and in the public interest to acquire certain easements, either on a temporary or permanent basis, and fee simple rights-of-ways in properties located in Hickory, North Carolina for the purpose of constructing a 10-foot-wide multi-use pathway to connect City Walk, Aviation Walk and Riverwalk. 0. The pathway will travel from the City Walk following 9th Street NW and Old Lenoir Road to connect with Riverwalk, as generally shown on the Overall Plan and Key Sheet prepared by Vaughn and Melton Consulting Engineers, Inc. , a copy of which is attached hereto as Exhibit A (the "Project"). The pathway is commonly referred to as the "OLLE Art Walk. The City has determined that the taking is reasonably necessary to provide pedestrian and bicycle connectivity from the City Walk to Riverwalk; and

WHEREAS, the City finds that the acquisition, expansion and improvement of easements and rights-of-ways over Lot Nos. 7, 9, 11, 13, 14, 17, 31, 49, 57, and 64 as shown on the plats prepared by Vaughn and Melton Consulting Engineers, Inc.; copies of which are attached hereto as Exhibit B, is necessary and serves a public purpose of improving the function and appearance of those areas and serves to provide bicycle and pedestrian connectivity and safety in the Project area; and

WHEREAS, the City has determined that it will be necessary to acquire by condemnation, either on a temporary or permanent basis, portions Lot Nos. 4, 5, 6, 8, 10, 12, 16, 34, 39, 41, 55, 61, and 62 as shown on Exhibit B (the "Condemned Properties") to complete the Project.

NOW, THEREFORE, BE IT RESOLVED that:

1. The City adopts as true and correct the foregoing recitals and incorporates them as findings herein.
2. For the purposes specified above, it is necessary, practical, and in the best interest of the public and the City that the City acquire, in its name, such easements, either on a temporary or permanent basis, and fee simple rights-of-ways in the Condemned Properties as may be required and which are necessary for completion of the Project.

3. The City, its officers, employees and attorneys, including designated outside counsel, be and are hereby authorized and directed to proceed to take the necessary steps to institute and prosecute such necessary actions and proceed as may be proper for the acquisition of easements, either on a temporary or permanent basis, and fee simple rights-of-ways in said Condemned Properties by eminent domain proceedings pursuant to Chapter 40A of the North Carolina General Statutes, and to prepare, sign, execute, serve, publish and file in the name of the City all eminent domain papers, affidavits and pleadings and said attorneys are authorized to have prepared such other instruments and documents as may be necessary in connection therewith.
4. The City finds and determines that the Condemned Properties are necessary for the public purposes of construction of the Project and hereby authorizes the acquisition of said Condemned Properties by eminent domain proceedings. The City further authorizes the City attorney, her staff or designated outside counsel to correct minor errors or scrivener's errors to said descriptions, if any, with regard to the condemnation proceeding without further action of this council.
5. The City Director is authorized to have the construction plans updated, revised, or corrected, and to utilize such plans in the condemnation action, including committing to said plans, updates, revisions, or corrections, without further action by this council.
6. The City finds and determines that just compensation for the taking of the Condemned Properties in each particular case is as follows:
 - A. GENE R. MILLER
PARCEL 7
DB 1308, PG 0368
TAX P.I.N. 370317105979
Just Compensation for Take of Interests in Parcel 7: \$350.00
 - B. FLOYD A. DAVIS and MELBA S. DAVIS
PARCEL 9
DB 1107, PG 0933
TAX P.I.N. 370317113112
Just Compensation for Take of Interests in Parcel 9: \$29,200.00
 - C. DIETZ & DEITZ REALTY, LLC
PARCEL 11
DB 2574, PG 1613
TAX P.I.N. 370317110451
Just Compensation for Take of Interests in Parcel 11: \$83,825.00
 - D. KB VETERINARY PROPERTIES, LLC
PARCEL 13
DB 3485, PG 1529
TAX P.I.N. 370317019558
Just Compensation for Take of Interests in Parcel 13: \$14,475.00
 - E. GRIFFIN GORDON LAND HOLDING, LLC
PARCEL 14
DB 3448, PG 0181
TAX P.I.N. 370317016843
Just Compensation for Take of Interests in Parcel 14: \$51,875.00
 - F. TRUCK & AUTO SERVICE, INC.
PARCEL 17
DB 0336, PG 0062
TAX P.I.N. 370313022712
Just Compensation for Take of Interests in Parcel 17: \$194,800.00
 - G. LASTAR HICKORY PROPERTIES LLC
SHYMAN HICKORY PROPERTIES, LLC
PARCEL 31
DB 2856, PG 0715
TAX P.I.N. 279316941469
Just Compensation for Take of Interests in Parcel 31: \$6,875.00
 - H. LC GROUP, LLC
PARCEL 49
DB 3389, PG 1790
TAX P.I.N. 370317026330

Just Compensation for Take of Interests in Parcel 49: \$1,500.00

- I. TLC PROPERTIES, LLC
PARCEL 57
DB 2800, PG 1595
TAX P.I.N. 370317018981
Just Compensation for Take of Interests in Parcel 57: \$9,250.00
- J. 7HE PROPERTIES LLC
PARCEL 64
DB 3470, PG 0435
TAX P.I.N. 370317114276
Just Compensation for Take of Interests in Parcel 64: \$7,250.00

THIS RESOLUTION shall become effective immediately upon adoption.

- J. Approved a Right of Way Agreement with North Carolina Department of Transportation for Property Located at 13th Avenue Drive NW and US 321 NW.

Staff requests Council's approval of a right of way agreement with North Carolina Department of Transportation (NCDOT) for property located at 13th Avenue Drive NW and US 321 NW. As part of the US 321 widening project, the NCDOT is purchasing right of way and utility easements on several City properties. This property is located across an unopened right of way from the Kawasaki Dealership on 13th Avenue Drive NW, identified as PIN 2793-11-66-7473. A portion of the property will be taken for right of way related to the US 321 widening project. The property was purchased by the City as part of the right of way for the Aviation Walk. The portion of the parcel being purchased by NCDOT was appraised for \$8,300. Much of the remainder of the site will be used as the right of way for the Aviation Walk. The remainder of the lot is unbuildable and will remain so after the NCDOT right of way is purchased. The property may be used for landscaping and open space related to the Aviation Walk. Staff recommends approval of the right of way agreement with NCDOT in the amount of \$8,300.

- K. Approved a Right of Way Agreement with North Carolina Department of Transportation for Property Located at 1471 1st Avenue SW.

Staff requests Council's approval of a right of way agreement with North Carolina Department of Transportation (NCDOT) for property located at 1471 1st Avenue SW. As part of the US 321 widening project, NCDOT is purchasing right of way and utility easements on several City properties. The property houses a former fire station that is currently leased to the Family Care Center, identified as PIN 2792-08-88-0788. The building will be taken for right of way related to the US 321 widening project. NCDOT is also purchasing the unbuildable remnant remaining after the right of way is purchased. The parcel being purchased was appraised by NCDOT, and they have approved an offer of \$98,700 for the right of way and the remaining unbuildable property. The right of way is valued at \$98,150 and the remaining property is valued at \$550. The Family Care Center will receive compensation separately as it relates to their leasehold interest in the property. The City is not party to that agreement. Staff recommends approval of the right of way agreement with NCDOT in the amount of \$98,700.

- L. Approved a Contract with WRF Properties, LLC for Property Located at 841 18th Street NE, Formerly Owned by Terry Huffman, in the Amount of \$40,500.

Staff requests approval of a contract to sell City owned property at 841 18th Street NE, formerly owned by Terry Huffman. The City obtained title to the property through foreclosure due to outstanding code enforcement liens on the property. There are outstanding taxes on the property that would be repaid at the sale of the property. The buyer has met with City of Hickory Code Enforcement Staff at the property and understands the improvements needed to bring the property in compliance with the City's minimum housing code. Staff was approached by WRF Properties, LLC, an investor looking to rehabilitate the property. The assessed value is \$52,000. The buyer has offered \$40,500 for the property. Staff believes this to be fair value for the property given its current condition. The sale would be subject to the upset bid process. Other interested parties would have to outbid the contract amount by approximately 5 percent. If no upset bids are received during the 10-day upset bid period, the transaction will proceed to closing. Staff recommends City Council approve a contract with WRF Properties and authorize staff to advertise for upset bids.

RESOLUTION NO. 21-50
RESOLUTION AUTHORIZING THE ADVERTISEMENT OF AN OFFER TO PURCHASE
CERTAIN PROPERTY

WHEREAS, City Council of the City of Hickory desires to dispose of certain surplus properties of the City of Hickory.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL THAT:

1.

The following described property is hereby declared to be surplus to the needs of the City of Hickory:

841 18th Street NE, Hickory, PIN #3713-19-61-3532, recorded in Deed Book 3643 at Page 20, Catawba County Registry.
2.

City Council has received an offer to purchase for the sum of \$40,500 for the property located at 841 18th Street NE, Hickory, North Carolina. The person making the offer must deposit with the City Clerk a sum equal to five percent (5%) of his or her offer in the form of cash or cashier's check.
3.

City Council proposes to accept the offer unless a qualifying upset bid shall be made.
4.

The City Clerk shall cause a notice of such offer to be published in accordance with G.S. 160A-269.
5.

Persons wishing to upset the offer must submit a sealed bid to the City Clerk within ten (10) days after publication of the notice. The person making the bid must deposit with the City Clerk a sum equal to five percent (5%) of his or her offer in the form of cash or cashier's check. At the conclusion of the ten (10) days, the City Clerk shall open the bids, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.
6.

If a qualifying upset bid is received, the City Clerk is directed to re-advertise the offer at the increased upset bid amount, and to continue with this process until a ten (10) day period has passed without receipt of a qualifying upset bid.
- M.

Approved the Dedication and Naming of the 3rd Street City Walk Pedestrian Bridge to Wyatt Bridge.
- N.

Approved on First Reading Budget Revision Number 8.

ORDINANCE NO. 21-37
BUDGET REVISION NUMBER 8

BE IT ORDAINED by the Governing Board of the City of Hickory that, pursuant to N.C. General Statutes 159.15 and 159.13.2, the following revision be made to the annual budget ordinance for the fiscal year ending June 30, 2022, and for the duration of the Project Ordinances noted herein.

SECTION 1. To amend the General Fund within the FY 2021-22 Budget Ordinance, the expenditures shall be amended as follows:

| FUNCTIONAL AREA | INCREASE | DECREASE |
|----------------------|----------|----------|
| Public Safety | 1,066 | 25,370 |
| Other Financing Uses | 458,506 | - |
| TOTAL | 459,572 | 25,370 |

To provide funding for the above, the General Fund Revenues will be amended as follows:

| FUNCTIONAL AREA | INCREASE | DECREASE |
|-----------------------|----------|----------|
| Sales and Service | 433,136 | - |
| Miscellaneous Revenue | 1,066 | - |
| TOTAL | 434,202 | - |

SECTION 2. To amend the General Capital Projects Fund within the FY 2021-22 Budget Ordinance, the expenditures shall be amended as follows:

| FUNCTIONAL AREA | INCREASE | DECREASE |
|--------------------------|----------|----------|
| General Capital Projects | 433,136 | - |
| TOTAL | 433,136 | - |

To provide funding for the above, the General Capital Projects Fund revenues will be amended as follows:

| FUNCTIONAL AREA | INCREASE | DECREASE |
|-------------------------|----------|----------|
| Other Financing Sources | 433,136 | - |

| | | |
|-------|---------|---|
| TOTAL | 433,136 | - |
|-------|---------|---|

SECTION 3. To amend the Community Development Block Grant (CDBG) Fund within the FY 2021-22 Budget Ordinance, the expenditures shall be amended as follows:

| FUNCTIONAL AREA | INCREASE | DECREASE |
|----------------------------------|----------|----------|
| Economic & Community Development | 4,783 | - |
| TOTAL | 4,783 | - |

To provide funding for the above, the Community Development Block Grant (CDBG) Fund revenues will be amended as follows:

| FUNCTIONAL AREA | INCREASE | DECREASE |
|------------------------------|----------|----------|
| Restricted Intergovernmental | 4,783 | - |
| TOTAL | 4,783 | - |

SECTION 4. To establish the Justice Assistance Grant 2021 (#G51104) the expenditures shall be established as follows:

| FUNCTIONAL AREA | INCREASE | DECREASE |
|-----------------|----------|----------|
| Public Safety | 39,850 | - |
| TOTAL | 39,850 | - |

To provide funding for the above, Justice Assistance Grant 2021 (#G55104) revenues will be amended as follows:

| FUNCTIONAL AREA | INCREASE | DECREASE |
|------------------------------|----------|----------|
| Restricted Intergovernmental | 28,880 | - |
| Other Financing Sources | 10,970 | - |
| TOTAL | 39,850 | - |

SECTION 5. To establish the Bulletproof Vest Partnership Grant 2021 (#G51105) the expenditures shall be established as follows:

| FUNCTIONAL AREA | INCREASE | DECREASE |
|-----------------|----------|----------|
| Public Safety | 28,800 | - |
| TOTAL | 28,800 | - |

To provide funding for the above the Bulletproof Vest Partnership Grant 2021 (#G51105) revenues will be established as follows:

| FUNCTIONAL AREA | INCREASE | DECREASE |
|------------------------------|----------|----------|
| Other Financing Sources | 14,400 | - |
| Restricted Intergovernmental | 14,400 | - |
| TOTAL | 28,800 | - |

SECTION 6. Copies of the budget revision shall be furnished to the Clerk of the Governing Board, and to the City Manager (Budget Officer) and the Finance Officer for their direction.

- IX. Items Removed from Consent Agenda – None
- X. Informational Item
- XI. New Business:

A. Public Hearings

1. Approved on First Reading Consideration of Proposed Amendments to Chapter 21, Section 21-10, Including Provisions Creating a Social District, to the Hickory City Code of Ordinances. – Presentation by Business Services Manager Dave Leonetti.

Staff requests Council's consideration of amendments to Chapter 21 Miscellaneous Offenses, Section 21-10.- Malt Beverages, Wine – Consumption on City Property of the Hickory Code of Ordinances, including provisions creating a social district. On September 10, 2021, Governor Cooper signed into law House Bill 890 ABC Omnibus Legislation (S.L. 2021-150) which amended North Carolina General Statute 160A-205.4. Amended G.S. 160A-205.4 authorizes cities to create social districts. A social district is a designated outdoor area in which individuals may consume alcoholic beverages sold by businesses with ABC permits. A social district does not include the permit holders' licensed premises or extended areas permitted by North Carolina General Statutes Chapter 18B. A city may adopt an ordinance designating an

area within its boundaries as a social district. A city must follow certain requirements for social districts as outlined in Chapter 18B. Currently Section 21-10 governs the consumption of malt beverages and wine on City property. This section is the most appropriate place to incorporate an amendment that creates a social district in the City of Hickory. Staff recommends Council adopt the proposed amendments to Chapter 21, Section 21-10 of the Code.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on October 22, 2021.

City Manager Warren Wood asked Business Services Manager Dave Leonetti to the podium to present Council with proposed amendments to Chapter 21, Section 21-10, including provisions creating a social district, to the Hickory City Code of Ordinances.

Business Services Manager Dave Leonetti presented a PowerPoint. He discussed the creation of a social district in the downtown area. He gave Council some background information. The General Assembly passed House Bill (HB 890) in September which allowed local governments to designate social districts. These districts allowed citizens to consume alcoholic beverages purchased from ABC on premise permit holders located within or contiguous to a district and then people could enjoy those in a plastic cup and walk around. This was essentially a more flexible version of the common area entertainment permit that the City holds on Union Square. That permit was for Union Square only and allows the four ABC permit holders on Union Square to sell alcoholic beverages in plastic cups, specially labeled, and people can enjoy their beverage. They could walk around, sit Under the Sails, walk down towards the area where the chess boards are, anywhere on the Square. This allowed expansion. Because of the language of the common entertainment permit, they were only limited to that physical parcel of land that was Union Square, the common area. The social district would allow them to expand that to include all of the downtown businesses that serve alcohol. This would allow Craft Beer Cellar, Tasteful Beans, Las Isabelas, and some of the other places that serve alcohol in the downtown area and then allow people to take those beverages and walk up to the Square. He discussed some of the features of the district; only beverages purchased from on premise permit holders. It had to be in a plastic cup from an on-premises permit holder. He noted the actual ABC store was within the district because of the location where it was downtown. Everything had to be opened and in a plastic cup when you leave the establishment. No outside alcohol was permitted. Everything needs to be purchased from one of the on-premises permit holders in the district. They need to place signage at conspicuous locations stating the days and hours which alcohol may be consumed. It was not part of the ordinance. The ordinance referenced the General Statutes. The plan that would be posted on the website, the management and maintenance plan, was for 10:00 a.m. to 10:00 p.m. for allowing the outdoor consumption. Individual permit holders could still serve alcohol according to their permit on their establishments. He reiterated they would post the map and the hours on the City's website. One of the ways that they plan on using the signage was to actually utilize a short web address and QR codes. They would have signs at the boundaries of the district and then a few larger signs on the Square probably in front of One North Center and then also on 1st Avenue NW as well, to enable people to have more information and all of the signs would have that QR code that would take them to the website that showed the map of the district and where they could consume the alcohol. Permitters within the district could sell the beverages in approved non-glass containers, displaying a logo or mark that was unique to the district. Communications staff had developed a preliminary logo. Most of the businesses now were just using labels. There was a little bit more information that needs to be contained on that label. They were going to see how that works. They may need two labels on each of the cups to have the downtown district, the name of the ABC permit holder, and "drink responsibly be 21". He referred to the PowerPoint and displayed the text of the ordinance. He advised Council had the full ordinance in their agenda packet. He summarized, there was a section that already existed about consuming malt beverages and fortified wines or changing that. The amendment would just change that to consumption of alcoholic beverages on City property. He said the North Carolina General Statutes 160A permits municipalities to enact social districts, then in accordance with the requirements of Chapter 18B. That was essentially the general ABC Alcoholic Beverage Control Statute. The ordinance would create a district in downtown which was shown on the map. The other portion was the enforcement statute that would basically say that anyone who does things not in accordance with the ordinance would be guilty of a misdemeanor. He referred to a map on the PowerPoint which was the proposed district. One of the things that was important to note was that in order to be a part of the district and participate, they must be located within or contiguous to. He pointed out businesses that

were on the edge of the area, and advised they were located contiguous to. These businesses would be able to participate. He pointed out Hatch, Crescent Moon, Las Isabelas located towards the southwest along with Duke's Restaurant and Wine Bar. On the eastern side Warehouse 18 and then One North Center. He asked Council for any questions.

Mayor Guess asked since they had the common area entertainment permit if there had been a rise in incidents or if they had any specific incidents pertaining to the common area and entertainment permit that they currently have.

City Manager Warren Wood advised they had not. Not a noticeable increase.

Alderman Wood commented the actual hours where alcohol could be consumed, that was separate and distinct from the approval of the social district itself. Correct?

Mr. Leonetti confirmed that was correct. That was part of the management and maintenance plan that was done on the City's website and that was posted. That was a police department and City Manager's office decision. Essentially the map. The map showed existing permit holders downtown and areas where they expect new businesses to open within the next 12-18 months, any changes to that, they would come back to Council with a revised map.

Alderman Wood questioned entering businesses that were within the zone. For example, he has a beverage, it was in the cup, it was all that, could he go into a business? Was it going to be up to the business owner whether that was allowed or not?

Mr. Leonetti advised if the business sells alcohol, they could not enter that business. For example, if he got a glass of wine at the Wine Shoppe, he could not enter the Tap Room with his beverage. However, if he wanted to visit Artisan Soapery, as long as the business owner was okay with them walking in there with an alcoholic beverage, they were permitted as long as they do not sell alcohol. For those other things, part of the management plan, he thought they were going to be asking all those businesses if they do not want to participate to just put up a sign at their front door that says no alcoholic beverages permitted.

Alderman Wood asked if the City could participate with them and help them for consistency of that signage.

Mr. Leonetti responded yes, they could.

Alderman Wood commented the way it looks, the way it reads, those types of things.

Alderwoman Williams asked if each business provided their own cups.

Mr. Leonetti confirmed each business would be providing their own cups. That was the way they were doing that now. He noted some of it was a supply chain issue he thought with the difficulty of getting plastic cups right now. He spoke with Mr. Jason Yates at the Tap Room a little bit about that, but most of them were just using clear plastic cups with labels on them. They were going to show folks and give folks the opportunity to get it printed. They could get them printed as well and it could be anything that was plastic. So technically they could use a reusable type of cup as well.

Alderman Seaver commented if he had a business not in that zone or contiguous area could he get a permit to set up a stand or something during an event downtown for that. Or would they come under another process.

Mr. Leonetti advised that would be handled through the special event permit process.

Alderman Seaver commented he was thinking along the same lines, they allow food trucks, he asked if food trucks could sell alcohol.

Mr. Leonetti did not think so.

Mayor Guess asked if it depended on their permit. They serve other beverages. He did not know.

Mr. Leonetti was not aware of food trucks that served alcohol.

Alderman Seaver commented not yet. He wondered how many questions that would come up.

City Manager Warren Wood advised to follow-up to the Mayor's question, if it becomes a problem, then they could always undo the ordinance and they could go back to the way that it was.

Mayor Guess interjected they could amend it. He thought they would have to have an ABC permit to be able to do that.

Mr. Leonetti confirmed that was correct. It had to be an on-premises ABC permit.

Mayor Guess commented ABC would be the one that regulates that he would think. He asked for any other questions. He explained the rules for conducting the public hearing. He declared the public hearing open and asked if there was anyone present to speak in opposition to the proposal. No one appeared. Mayor Guess asked if there was anyone present to speak in favor of the proposal. No one appeared. Mayor Guess closed the public hearing.

Alderman Patton moved, seconded by Alderman Williams approval of amendments to Chapter 21, Section 21-10 of the Hickory City Code of Ordinances. The motion carried unanimously.

ORDINANCE NO. 21-38

AN ORDINANCE OF THE HICKORY CITY COUNCIL AMENDING SECTION 21-10 MALT BEVERAGES, WINE CONSUMPTION ON CITY PROPERTY OF CHAPTER 21 MISCELLANEOUS OFFENSES OF THE HICKORY CODE OF ORDINANCES

WHEREAS, House Bill 890 (HB 890)/Session Law 2021-150 (S.L.2021-150) amended North Carolina General Statute 160A-205.4 which now authorizes cities to adopt an ordinance designating a social district for use as permitted by amended Chapter 18B; and

WHEREAS, a social district is defined as a “defined outdoor area in which a person may consume alcoholic beverages sold by a permittee; and

WHEREAS, City Council desires to establish and manage a social district in accordance with G.S. 160A-205.4 and Chapter 18B and

WHEREAS, an established social district will be on city property and Section 21-10 governs the consumption of alcohol on city property.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HICKORY, THAT SECTION 21-1 OF CHAPTER 21 OF THE HICKORY CITY CODE BE AMENDED AS FOLLOWS:

Section 1: Amended.

- a. The heading 21-10. - “Malt beverages, wine – Consumption on city property” is revised as follows:

21-10. - Alcoholic beverages – Consumption on city property; social districts.

- b. Sec. 21-10 (a) which states in the first clause “No person shall consume malt beverages or unfortified wine on property owned or occupied by the city,...” is revised as follows:

No person shall consume alcoholic beverages on property owned or occupied by the city,...

- c. Section 21-10 (b) is deleted in its entirety and is replaced with the following language:

- b. Pursuant to the provisions of North Carolina General Statute 160A-205.4 et seq one or more social districts may be created within the city.

- d. Section 21-10 (c) which reads as follows is added:

- (c) City social districts shall be created, designated, and managed in accordance with the requirements contained in North Carolina General Statute 160A-205.4 and Chapter 18B.
- e. Section 21-10 (d) is added and reads as follows:
 - (d) The city hereby creates and designates the following social district(s)

Downtown Hickory Social District which is designated as shown on a map dated November 2, 2021; the map is available in the Office of the City Clerk.

(attached as Exhibit A)
- f. Section 21-10 (e) which reads as follows is added:
 - (e) Any person violating this section, and any person who aids, abets, encourages, assists, or contributes to such consumption, and any person who, having control of the premises where such consumption occurs in violation of this section, willfully permits, or allows such consumption to occur shall be guilty of a misdemeanor.

Section 2: Severability.

If any portion of this Section is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed severable, and such holding shall not affect the validity of the remaining portions hereof.

Section 3: Repealed.

All ordinances or provisions of the Hickory City Code of Ordinances which are not in conformance with the provisions of the Amendment occurring herein are repealed as of the effective date of this Ordinance.

Section 4: Effective Date.

This Ordinance shall become effective upon the city's compliance with the requirements of Chapter 18B.

B. Departmental Reports:

1. Appointments to Boards and Commissions

| | |
|--|---|
| <u>CITIZENS ADVISORY COMMITTEE</u> | |
| (Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council) | |
| Small Cities Project Area | VACANT |
| <u>COMMUNITY APPEARANCE COMMISSION</u> | |
| (Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council) | |
| Ward 4 (Alderman William Appoints) | VACANT |
| At-Large (Outside City but within HRP) (Council Appoints) | VACANT |
| <u>COMMUNITY RELATIONS COUNCIL</u> | |
| (Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council) | |
| Other Minority (Council Appoints) | VACANT |
| Other Minority (Council Appoints) | VACANT |
| Other Minority (Council Appoints) | VACANT |
| Differently Abled and is African American or Other Minority (Council Appoints) | VACANT |
| Differently Abled (Council Appoints) | Beth Whicker |
| | (Not Eligible for Reappointment) |
| <u>HISTORIC PRESERVATION COMMISSION</u> | |
| (Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council) | |
| Licensed Architect (Council Appoints) | Ernie Sills |
| | (Not Eligible for Reappointment) |
| At-Large (2)(Council Appoints) | Mary Moorer |
| | (Eligible for Reappointment/Does Not Wish to Serve Again) |
| <u>LIBRARY ADVISORY BOARD</u> | |
| (Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council) | |
| Ward 4 (D. Williams Appoints) | VACANT |

Ward 6 (Patton Appoints) Gail Miller
(Eligible for Reappointment/Does Not Wish to Serve Again)

PUBLIC ART COMMISSION
(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 4 (D. Williams Appoints) VACANT
At-Large (Mayor Appoints) Beth Bowman
(Not Eligible for Reappointment)

YOUTH COUNCIL
(Terms Expiring 6-30; 1-Year Terms) (Appointed by City Council)
Youth Council Applicant Review Committee Recommends the Following Appointments:

Fred T. Foard VACANT
Homeschool VACANT

Mayor Guess invited the audience, if they were not familiar with it, to review the City’s Boards and Commissions. All the information was available on the City of Hickory’s website. If they had any specific questions, they would be glad to try to answer those for them and get those questions answered, if they could. He appreciated those that serve on the City’s Boards and Commissions, and they value their opinions.

- C. Presentation of Petitions and Requests
- XII. Matters Not on Agenda (requires majority vote of Council to consider)
- XIII. General Comments by Members of Council, City Manager or City Attorney of a Non-Business Nature

Mayor Guess commented it was Election Day in the City of Hickory. There was only School Board Elections today and they had to be specific to that ward. He was not sure what the attendance was like. The elections for the City of Hickory, it was sort of related to Covid, but it was really because the census was delayed. By State law, because the City’s population grew by more than five percent, they were required by the State to delay their election until after that time. They anticipated that their elections would begin in March. He wanted to share that brief information on what was going on with that. They would hear a lot more about that at the beginning of 2022.

- XIV. There being no further business, the meeting adjourned at 7:37 p.m.

Mayor

City Clerk